

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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JOHN DERAFFELE,

Plaintiff,

-against-

21 CIVIL 06033 (PMH)

JUDGMENT

WILLIAMS AND WILLIAMS, AUCTION
NETWORK, JENNIFER BENNETT, JOHN
HEILIGER, and WILLIAMS AND WILLIAMS
MARKETING SERVICES, INC.,

Defendant.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion & Order dated February 16, 2023, Defendants' motion to dismiss pursuant to Rule 12(b)(6) is GRANTED. While "[d]istrict courts should frequently provide leave to amend before dismissing a pro se complaint... leave to amend is not necessary when it would be futile." Reed v. Friedman Mgt. Corp., 541 F. App'x 40, 41 (2d Cir. 2013) (citing Cuoco v. Moritsugu, 222 F.3d 99, 112 (2d Cir. 2000)). Here, Plaintiff has already amended his complaint once and any further amendment would be futile. Accordingly, Plaintiff's Amended Complaint is dismissed with prejudice; accordingly, the case is closed.

Dated: New York, New York

February 16, 2023

RUBY J. KRAJICK

Clerk of Court



Deputy Clerk

BY: